

Notice of Allowability

Application No.

09/814,159

Examiner

James H. Zurita

Applicant(s)

RODRIGUEZ ET AL.

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to PBAI decision of 11/08/06.
2. ☒ The allowed claim(s) is/are 1-43.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|--|--|
| 1. <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6. <input type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date _____. |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date _____ | 7. <input type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input type="checkbox"/> Other _____. |

Reasons for Allowance

On 8 November 2006, the Board reversed the Examiner's rejection.

Claims 1-43 are allowed.

The following is an examiner's statement of reasons for allowance for independent claim 1.

The Board found that:

... [prior art is not shown to] teach or make obvious a gateway that captures uploads and also tracks information characterizing a particular media asset of interest at the media gateway as the particular asset is being uploaded to the gateway.

[the Board does not find] that Chui teaches or suggests modifying Ginter to include the gateway and tracking features discussed with respect to claims 1 and 22.

Discussion of Closest Prior Art

The closest US prior art of record is Ginter (US 5,892,900). The Board found that Ginter does not teach the claimed media gateway, as defined in the specification, that is, a device that captures wireless and wireline uploads from various devices and tracks information about the user session. See page 3, decision of 8 November 2006.

The Board found that Ginter is not found to teach features of claim 1, including:

...tracking information, at a media gateway, characterizing a particular media asset of interest that is uploaded to the media gateway associated with the data network, wherein the media gateway captures a plurality of media assets uploaded from a plurality of devices;

...receiving a request to engage one or more of said service providers to perform one or more services for the particular media asset; and

...tracking transaction information allowing billing of the requested services, wherein the transaction information includes information indicating which of the service providers performed a service for the particular media asset.

The closest non-US prior art of record is Shapira et al., WO 01/33470 A1, published on 10 May 2001, classified in G06F 17/60. Shapira discloses tracking and

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reporting electronic commerce activity over web sites. However, Shapira makes no mention of a gateway, as a device that captures wireless and wireline uploads from various devices and tracks information about the user session.

The closest non-patent literature is an article by Neil McCormick, "How you'll obtain songs from now on: What does Internet access to the world's music libraries mean for the \$40-billion-a-year music industry? In a word: revolution" [National Edition], **National Post**. Don Mills, Ont.: Jan 3, 2000. pg. D.9, 3 pages, downloaded from the ProQuest on the Internet on 20 March 2007. McCormick mentions gateway, but does not specifically disclose that the gateway is a device that captures wireless and wireline uploads from various devices and tracks information about the user session.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statements for Reasons for Allowance."

Conclusion


Any inquiry concerning this communication or earlier communications from the examiner should be directed to James H. Zurita whose telephone number is 571-272-6766. The examiner can normally be reached on 8a-5pm.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wynn Coggins can be reached on 571-272-7159. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

James Zurita
Patent Examiner
Art Unit 3625
20 March 2007


JAMES ZURITA
PRIMARY EXAMINER